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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,161	11/30/2001	Leif Norlander	611-53	8113

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EXAMINER

TAWFIK, SAMEH

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/980,161

Applicant(s)

NORLANDER ET AL.

Examiner

Sameh H. Tawfik

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3721

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on 5/24/2000. It is noted, however, that applicant has not filed a certified copy of the Sweden application as required by 35 U.S.C. 119(b).

### ***Specification***

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 5; claim 3, lines 5 and 6; and claim 5, line 4 the phrase "or" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

### ***Claim Objections***

Claim 1 is objected to because of the following informalities:

(claim 1, lines 1 and 3; etc) delete "fibres" and instead insert --fibers--;

(claim 3, line 5) delete "The" and instead insert --the--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIlvain et al. (3,526,566).

McIlvain discloses a method of creasing a packaging laminate manufactured from fibers which packaging laminate comprises a bulk promoting layer and on at least one side of the bulk layer at least one side layer; the side layer and the bulk layer being joined to each other over essentially their entire surfaces facing each other, see for example (Figs. 6-12); a stamping device (Figs. 1 and 2; via male die member 13) is pressed down in a first side of the laminate for the formation of a crease line (Figs. 1-3 and 6); while on the other side of the laminate which is opposite to the first side a holding on tool (Figs. 1 and 2; via female die member 10 and backing plate 11) is used which holding on tool is essentially planar in an area corresponding to the location of the stamping device (Figs. 1 and 2). McIlvain does not disclose exactly that the bulk layer consists of a structure of cellulose fibers. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified McIlvain's method by having the bulk layer consists of a structure of cellulose fibers, as a matter of engineering design choice, since the examiner takes an official notice that the bulk layer consists of a structure of cellulose fibers is old, well known, and available in the art.

Art Unit: 3721

Regarding claim 2: the side layer is arranged on the first side of the laminate whereby the side layer is brought to sink down into the bulk layer in the crease line (Figs. 2, 3, 6, and 7).

Regarding claim 3: the bulk layer is brought to exhibit a compressed structure in the area of the crease line which facilitates folding in the crease line (Fig. 6, line 27) essentially without the formation of bulges or delamination occurring in between the layers being formed in connection with the crease line in one or two outermost layers of the laminate, see for example (Figs. 6 and 7).

Regarding claims 4 and 5: McIlvain does not disclose exactly the bulk layer is 40-95% consists of cellulose fibers, freeness of 550-950ml CSF, the laminate has a bending stiffness greater than 2.5 but less than 14  $\text{Nm}^7/\text{Kg}^3$ ; 60% of the bulk layer consists of fibers with a freeness value greater than 600 ml CSF, a bending stiffness index greater than 3.0  $\text{Nm}^7/\text{Kg}^3$  or more preferred at least 60% of the bulk layer consist of fibers with a freeness value greater than 650 ml CSF, most preferred at least 700, but less than 850 ml CSF. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified McIlvain's method by having the bulk layer is 40-95% consists of cellulose fibers, freeness of 550-950ml CSF, the laminate has a bending stiffness greater than 2.5 but less than 14  $\text{Nm}^7/\text{Kg}^3$ ; 60% of the bulk layer consists of fibers with a freeness value greater than 600 ml CSF, a bending stiffness index greater than 3.0  $\text{Nm}^7/\text{Kg}^3$  or more preferred at least 60% of the bulk layer consist of fibers with a freeness value greater than 650 ml CSF, most preferred at least 700, but less than 850 ml CSF, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Regarding claims 6 and 8: the laminate being folded in the crease line (27) towards the first side of the laminate (Figs. 8 and 9).

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIlvain et al. (3,526,566) in view of Lane (2,770,406).

McIlvain does not disclose that a packaging laminate provided with a crease line nor a packaging produced by the forming by folding of a packaging laminate. However, Lane discloses that a packaging laminate provided with a crease line and a packaging produced by the forming by folding of a packaging laminate, see for example (Figs. 1 and 7).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified McIlvain's method by having the steps of making a packaging laminate provided with a crease line and a packaging produced by the forming by folding of a packaging laminate, as suggested by Lane, in order to provide a carton construction to be used for many purposes (column 1, lines 19-25).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brunlid 5207632, Nieradka 5123891, and Granger 4417883 disclose different method of creasing and manufacturing containers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone numbers for the

• Application/Control Number: 09/980,161

Page 6


Art Unit: 3721

organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST.

March 12, 2003

  
EUGENE KIM  
PRIMARY EXAMINER